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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 12-000613 DLJ
Plaintiff,)
v.)
DESTINY BETTS,)
Defendant.)

STIPULATION AND []
ORDER CONTINUING HEARING TO
December 6, 2012 AND EXCLUDING
TIME FROM November 1, 2012 TO
December 6, 2012 FROM THE SPEEDY
TRIAL ACT CALCULATION

The Parties, DESTINY BETTS and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for November 1, 2012 be vacated, and that the hearing be re-set for December 6, 2012 at 1:30 pm. The parties are requesting the continuance of the hearing to the above date given that government counsel will be out of state on November 1. Additionally, government counsel recently provided defendant with significant discovery the defense counsel requires additional time to review.

The parties stipulate that the time between November 1, 2012 and December 6, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

DATED: October 29, 2012

MELINDA HAAG
United States Attorney

/s/
ANN MARIE E. URSPINI
Special Assistant United States Attorney

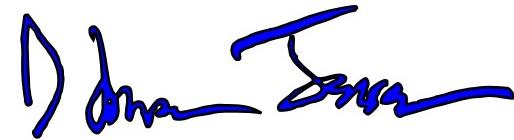
/s/
ROBERT CARLIN
Attorney for Defendant

1 ORDER

2 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY
3 ORDERS that the hearing in this matter previously set for November 1, 2012 is vacated, and the
4 matter is continued to December 6, 2012 at 9:00 am. Further, the Court ORDERS that the time
5 between November 1, 2012 and December 6, 2012 is excluded under the Speedy Trial Act, 18
6 U.S.C. §3161. The court finds that the failure to grant the requested continuance would
7 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
8 into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice
9 served by granting the requested continuance outweigh the best interest of the public and the
10 defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore
11 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and
12 (B)(iv).

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14 IT IS SO ORDERED.

15 DATED: FFD/DFG



16 THE HONORABLE D. LOWELL JENSEN
United States District Judge

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